

Introduced by Senator Simitian

February 22, 2008

An act to amend Section 830.3 of the Penal Code, and to add Chapter 4.5 (commencing with Section 72435) to Division 38 of the Public Resources Code, relating to ocean resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 1582, as introduced, Simitian. Ocean resources: ocean rangers.

Existing law prohibits a large passenger vessel from releasing specified waste streams into the marine waters of the state and requires the owner or operator of the vessel to maintain specified records.

This bill would require an owner or operator of a large passenger vessel to have an ocean ranger employed by the Department of Justice who is a licensed marine engineer, granted peace officer status under this bill, and on board while the vessel is operating in the marine waters of the state to monitor the vessel's compliance with the above prohibition and other applicable federal laws and regulations on waste discharge. The owner or operator would be required to provide specified records for inspection by the ocean ranger, upon request. The ocean ranger would also be required to observe maintenance and operational procedures for onboard waste treatment systems and review relevant records, assist the passenger and crew in reporting and investigating potential criminal activities onboard while in the marine waters of the state, and evaluate and respond to risks related to homeland security. The bill would authorize the department to assess on the owner or operator of a vessel a fee of \$1 per berth per day on which the vessel is operating in the marine waters of the state. The Department of Justice would be required to revise the fee to ensure that the fee generates sufficient revenues only to cover the costs of implementing this act,

plus a prudent reserve. The bill would require that the fees collected be deposited into the Ocean Ranger Program Fund, which the bill would establish in the State Treasury to be used, upon appropriation by the Legislature, to implement this act.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) More cruise ships are calling upon California ports of call
4 every year. The cruise ship fleet is increasing in size and carrying
5 capacity and producing increasing volumes of solid and liquid
6 waste.

7 (b) Improperly treated wastes released into the environment can
8 significantly impact California's aquatic ecosystems and the people
9 and industries that depend upon them.

10 (c) The cruise ship industry has a poor record on self-policing
11 environmental practices.

12 (d) California's zero-discharge law for cruise ships does not
13 provide independent oversight of the industry or verification of
14 the zero-discharge requirement.

15 (e) Millions of American citizens travel on cruise ships every
16 year and numerous documented cases exist of serious crimes
17 against passengers by other passengers and crew members.

18 (f) The cruise ship industry has failed to adopt adequate
19 measures to protect passengers from theft, rape, assaults, and
20 suspected homicides, or to provide the necessary assistance to
21 United States public safety officers investigating these crimes.

22 (g) Every cruise ship provides thousands of foreign citizens,
23 both passengers and crew, with transport and access to multiple
24 ports of call in the state with insufficient oversight from state and
25 federal authorities.

26 (h) It is the intent of the Legislature to place a licensed marine
27 engineer with peace officer status on all cruise ships traveling
28 through the marine waters of the state. These employees of the
29 state, to be known as ocean rangers, would help protect the state's
30 coastal resources, investigate crimes against passengers, and
31 provide support to state and federal homeland security agencies.

1 SEC. 2. Section 830.3 of the Penal Code is amended to read:

2 830.3. The following persons are peace officers whose authority
3 extends to any place in the state for the purpose of performing
4 their primary duty or when making an arrest pursuant to Section
5 836 of the Penal Code as to any public offense with respect to
6 which there is immediate danger to person or property, or of the
7 escape of the perpetrator of that offense, or pursuant to Section
8 8597 or 8598 of the Government Code. These peace officers may
9 carry firearms only if authorized and under those terms and
10 conditions as specified by their employing agencies:

11 (a) Persons employed by the Division of Investigation of the
12 Department of Consumer Affairs and investigators of the Medical
13 Board of California and the Board of Dental Examiners, who are
14 designated by the Director of Consumer Affairs, ~~provided that if~~
15 the primary duty of these peace officers ~~shall be~~ is the enforcement
16 of the law as that duty is set forth in Section 160 of the Business
17 and Professions Code.

18 (b) Voluntary fire wardens designated by the Director of
19 Forestry and Fire Protection pursuant to Section 4156 of the Public
20 Resources Code, ~~provided that if~~ the primary duty of these peace
21 officers ~~shall be~~ is the enforcement of the law as that duty is set
22 forth in Section 4156 of that code.

23 (c) Employees of the Department of Motor Vehicles designated
24 in Section 1655 of the Vehicle Code, ~~provided that if~~ the primary
25 duty of these peace officers ~~shall be~~ is the enforcement of the law
26 as that duty is set forth in Section 1655 of that code.

27 (d) Investigators of the California Horse Racing Board
28 designated by the board, ~~provided that if~~ the primary duty of these
29 peace officers ~~shall be~~ is the enforcement of Chapter 4
30 (commencing with Section 19400) of Division 8 of the Business
31 and Professions Code and Chapter 10 (commencing with Section
32 330) of Title 9 of Part 1 of this code.

33 (e) The State Fire Marshal and assistant or deputy state fire
34 marshals appointed pursuant to Section 13103 of the Health and
35 Safety Code, ~~provided that if~~ the primary duty of these peace
36 officers ~~shall be~~ is the enforcement of the law as that duty is set
37 forth in Section 13104 of that code.

38 (f) Inspectors of the food and drug section designated by the
39 chief pursuant to subdivision (a) of Section 106500 of the Health
40 and Safety Code, ~~provided that if~~ the primary duty of these peace

1 officers ~~shall be~~ is the enforcement of the law as that duty is set
2 forth in Section 106500 of that code.

3 (g) ~~All investigators~~ *Investigators* of the Division of Labor
4 Standards Enforcement designated by the Labor Commissioner;
5 ~~provided that if~~ the primary duty of these peace officers ~~shall be~~
6 ~~is~~ the enforcement of the law as prescribed in Section 95 of the
7 Labor Code.

8 (h) ~~All investigators~~ *Investigators* of the State Departments of
9 Health Care Services, Public Health, Social Services, Mental
10 Health, and Alcohol and Drug Programs, the Department of Toxic
11 Substances Control, the Office of Statewide Health Planning and
12 Development, and the Public Employees' Retirement System;
13 ~~provided that if~~ the primary duty of these peace officers ~~shall be~~
14 ~~is~~ the enforcement of the law relating to the duties of his or her
15 department or office. Notwithstanding any other provision of law,
16 investigators of the Public Employees' Retirement System shall
17 not carry firearms.

18 (i) The Chief of the Bureau of Fraudulent Claims of the
19 Department of Insurance and those investigators designated by the
20 chief, ~~provided that if~~ the primary duty of those investigators ~~shall~~
21 ~~be~~ is the enforcement of Section 550.

22 (j) Employees of the Department of Housing and Community
23 Development designated under Section 18023 of the Health and
24 Safety Code, ~~provided that if~~ the primary duty of these peace
25 officers ~~shall be~~ is the enforcement of the law as that duty is set
26 forth in Section 18023 of that code.

27 (k) Investigators of the office of the Controller, ~~provided that~~
28 ~~if~~ the primary duty of these investigators ~~shall be~~ is the enforcement
29 of the law relating to the duties of that office. Notwithstanding any
30 other law, except as authorized by the Controller, the peace officers
31 designated pursuant to this subdivision shall not carry firearms.

32 (l) Investigators of the Department of Corporations designated
33 by the Commissioner of Corporations, ~~provided that if~~ the primary
34 duty of these investigators ~~shall be~~ is the enforcement of the
35 provisions of law administered by the Department of Corporations.
36 Notwithstanding any other provision of law, the peace officers
37 designated pursuant to this subdivision shall not carry firearms.

38 (m) Persons employed by the Contractors' State License Board
39 designated by the Director of Consumer Affairs pursuant to Section
40 7011.5 of the Business and Professions Code, ~~provided that if~~ the

1 primary duty of these persons ~~shall be~~ *is* the enforcement of the
2 law as that duty is set forth in Section 7011.5, and in Chapter 9
3 (commencing with Section 7000) of Division 3, of that code. The
4 Director of Consumer Affairs may designate as peace officers not
5 more than three persons who shall at the time of their designation
6 be assigned to the special investigations unit of the board.
7 Notwithstanding any other provision of law, the persons designated
8 pursuant to this subdivision shall not carry firearms.

9 (n) The Chief and coordinators of the Law Enforcement Division
10 of the Office of Emergency Services.

11 (o) Investigators of the office of the Secretary of State designated
12 by the Secretary of State, ~~provided that if~~ the primary duty of these
13 peace officers ~~shall be~~ *is* the enforcement of the law as prescribed
14 in Chapter 3 (commencing with Section 8200) of Division 1 of
15 Title 2 of, and Section 12172.5 of, the Government Code.
16 Notwithstanding any other provision of law, the peace officers
17 designated pursuant to this subdivision shall not carry firearms.

18 (p) The Deputy Director for Security designated by Section
19 8880.38 of the Government Code; and all lottery security personnel
20 assigned to the California State Lottery and designated by the
21 director, ~~provided that if~~ the primary duty of ~~any of~~ those peace
22 officers ~~shall be~~ *is* the enforcement of the laws related to assuring
23 the integrity, honesty, and fairness of the operation and
24 administration of the California State Lottery.

25 (q) Investigators employed by the Investigation Division of the
26 Employment Development Department designated by the director
27 of the department, ~~provided that if~~ the primary duty of those peace
28 officers ~~shall be~~ *is* the enforcement of the law as that duty is set
29 forth in Section 317 of the Unemployment Insurance Code.

30 Notwithstanding any other provision of law, the peace officers
31 designated pursuant to this subdivision shall not carry firearms.

32 (r) The chief and assistant chief of museum security and safety
33 of the California Science Center, as designated by the executive
34 director pursuant to Section 4108 of the Food and Agricultural
35 Code, ~~provided that if~~ the primary duty of those peace officers
36 ~~shall be~~ *is* the enforcement of the law as that duty is set forth in
37 Section 4108 of the Food and Agricultural Code.

38 (s) Employees of the Franchise Tax Board designated by the
39 board, ~~provided that if~~ the primary duty of these peace officers
40 ~~shall be~~ *is* the enforcement of the law as set forth in Chapter 9

(commencing with Section 19701) of Part 10.2 of Division 2 of the Revenue and Taxation Code.

~~(t) Notwithstanding any other provision of this section, a peace officer authorized by this section shall not be authorized to carry firearms by his or her employing agency until that agency has adopted a policy on the use of deadly force by those peace officers, and until those peace officers have been instructed in the employing agency's policy on the use of deadly force.~~

~~Every peace officer authorized pursuant to this section to carry firearms by his or her employing agency shall qualify in the use of the firearms at least every six months.~~

~~(u)~~

~~(t) Investigators of the Department of Managed Health Care designated by the Director of the Department of Managed Health Care, provided that if the primary duty of these investigators shall be is the enforcement of the provisions of laws administered by the Director of the Department of Managed Health Care. Notwithstanding any other provision of law, the peace officers designated pursuant to this subdivision shall not carry firearms.~~

~~(v)~~

~~(u) The Chief, Deputy Chief, supervising investigators, and investigators of the Office of Protective Services of the State Department of Developmental Services, provided that if the primary duty of each of those persons shall be is the enforcement of the law relating to the duties of his or her department or office.~~

~~(v) Ocean rangers employed by the Department of Justice when carrying out their law enforcement duties pursuant to Chapter 4.5 (commencing with Section 72435) of Division 38 of the Public Resources Code.~~

~~Notwithstanding any other provision of this section, a peace officer authorized by this section shall not be authorized to carry a firearm by his or her employing agency until that agency has adopted a policy on the use of deadly force by those peace officers, and until those peace officers have been instructed in the employing agency's policy on the use of deadly force. A peace officer authorized pursuant to this section to carry a firearm by his or her employing agency shall qualify in the use of the firearms at least every six months.~~

SEC. 3. Chapter 4.5 (commencing with Section 72435) is added to Division 38 of the Public Resources Code, to read:

CHAPTER 4.5. OCEAN RANGERS

72435. For the purposes of this chapter, “ocean ranger” means an employee of the Department of Justice who is a marine engineer licensed by the United States Coast Guard and certified to perform environmental monitoring, has successfully completed all training required pursuant to Section 832 of the Penal Code, and is a peace officer as described in subdivision (v) of Section 830.3 of the Penal Code.

72435.1. (a) An owner or operator of a large passenger vessel entering and operating in the marine waters of the state shall have an ocean ranger onboard the vessel to act as an independent observer for the purposes of monitoring compliance with the requirements of Chapter 3 (commencing with Section 72420) and applicable federal laws and regulations regarding discharge of waste while operating in the marine waters of the state.

(b) An owner or operator of a large passenger vessel entering and operating in the marine waters shall provide, upon request, records kept pursuant to Section 72425 for inspection by the ocean rangers.

72435.2. The ocean ranger shall do all of the following:

(a) Monitor a large passenger vessel’s compliance with the requirements of Chapter 3 (commencing with Section 72420) and applicable federal laws and regulations regarding discharge of wastewater while the vessel is operating in the marine waters of the state.

(b) Observe maintenance and operational procedures for onboard waste treatment systems and review records kept pursuant to Section 72425.

(c) Assist the passengers and crew, as needed, with the reporting and investigation of potential criminal activities occurring onboard while in the marine waters of the state.

(d) Evaluate and respond to risks related to homeland security.

72435.3. (a) (1) The Department of Justice may assess on the owner or operator of a large passenger vessel a fee of one dollar (\$1) per berth per day on which the vessel is operating in the marine waters of the state.

(2) The Department of Justice shall revise the fee from time to time to ensure that the fee is sufficient to generate sufficient

1 revenues only to cover the costs of implementing this chapter, plus
2 a prudent reserve.

3 (b) The moneys collected pursuant to subdivision (a) shall be
4 deposited into the Ocean Ranger Program Fund, which is hereby
5 established in the State Treasury. The moneys in the fund shall be
6 available, upon appropriation by the Legislature, for the training
7 of ocean rangers and the implementation of this chapter.

8 72435.4. The Department of Justice shall implement this
9 chapter in conformity with all applicable requirements of
10 international and federal law.